

Mr. Proffitt called for a motion from the floor to approve the July Board minutes as presented. The motion was duly made by Mr. Hester and seconded by Mr. Cahill. During the call for question or comment, Mr. Cahill noted a revision to the July minutes, Page 7. The property listed as **2841 River Road West in Goochland, Virginia, 23063, should be removed from the list as this staff house property is located within prison facility boundaries** (the original approved Board Motion was for the statewide sale of staff houses located outside prison facility boundaries only). With the explanation provided, the change was accepted and the call for motion for approval of the July Board minutes went forward. The *MOTION* was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser Hester, Kallen, Maxey, Mitchell). Mr. Wright was absent. As a tie-breaking vote was not

necessary, Mr. Proffitt's vote was not noted. The official July Minutes will reflect the approved revision as evidenced below **in bold with strikethrough**. (Below is an exact duplicate of Page 7 as printed and distributed in the previously-approved minutes. It is shown in gray shading below to differentiate between those previously-approved minutes and the body of the September, 2003, minutes.)

"Board of Corrections

May 21, 2003

Page 7 REVISION

...to buyers and under terms and conditions deemed appropriate by DGS, and in accordance with the law. The Director of the Department of Corrections may execute all documents in furtherance of the sales of these properties:

Augusta CC	1535 Esta Line Valley Rd., Craigsville, VA 24430
Buckingham CC	Route 3, Box 5250, Dillwyn, VA 23936
Coffeewood CC	20022 Williams Dr., Mitchells, VA 22729
Fluvanna CC	Rt. 1, Box 2512, Troy, VA 22974
Greensville CC	305 Pine St., Jarratt, VA 23867
Greensville CC	213 Holly St., Jarratt, VA 23867
Keen Mt. CC	419 Valley Dr., Richlands, VA 24641
Lunenburg CC	1415 Ashton Rd., Victoria, VA 23974
Mecklenburg CC	938 Phyllis Rd., Boydton, VA 23917
Sussex I State Prison	325 Jasper Lane, Waverly, VA 23890
Brunswick CC	1006 Brooks Crossing, Lawrenceville, VA 23868
Dillwyn CC	PO Box 430 (Rt. 633), Dillwyn, VA 23936
Dillwyn CC	24 Simms Rd., Cumberland, VA 23040
Lunenburg CC	1511 6th St., Victoria, VA 23974
Buckingham CC	Route 20 N, Dillwyn, VA 23936
Indian Creek CC	2708 Blacksmith Trail, Chesapeake, VA 23322
VCCW	2841 River Rd. West, Goochland, VA 23063

(deleted by Board Motion 9/17/2003)

Fluvanna CC	4192 Campbell Rd., Troy, VA 22974
Haynesville CC	1323 Hoskins Dr., Tappahannock, VA 22560
Dillwyn CC	Rt. 4, Box 413, Dillwyn, VA 23936
Fluvanna CC	Rt. 2, Box 1255, Palmyra, VA 22963
Haynesville CC	322 Cobham Park Lane, Warsaw, VA 22572
Indian Creek CC	736 Willow Oak Dr., Chesapeake, VA 23322
Indian Creek CC	601 Willow Oak Dr., Chesapeake, VA 23322
Keen Mt. CC	PO Box 22, Mayisdale, VA 24627
Lunenburg CC	857 Falls Rd., Hwy #49 N., Victoria, VA 23974
Mecklenburg CC	110 Pine Valley Rd., Clarksville, VA 23927
Mecklenburg CC	5989 Phyllis Rd., Boydton, VA 23917
Haynesville CC	1333 Hoskins Dr., Tappahannock, VA 22560

Dr. Trimble was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

3. Department of Corrections Six-Year Plan Capital Budget Requests (Ms. Lipp)

Ms. Lipp summarized the Department's request by stating that a total of approximately \$358 million has been requested for a total of 211 projects. The projects are divided up into three categories: maintenance reserve, master plan capacity, and capital projects. It is not known at this time what funding will be received but all projects are important to the Department."

3) Report of Nominating Committee (Ms. Maxey)

Mr. Proffitt noted the committee members as assigned in July. Mr. Proffitt then named Mr. Burrell to take Mr. Wright's place on the committee due to his absence. Mr. Proffitt called for a brief recess so that the committee could convene. A brief recess of the Board meeting was held at this time. Upon the committee's return, the Board meeting was reconvened. Mr. Proffitt called on Ms. Maxey to report the committee's recommendations for Board officers. The proposed slate is as follows:

Mr. Bobby Mitchell, Board Secretary
Mr. Sterling Proffitt, Board Vice Chairman
Mr. Clay Hester, Board Chairman

Election of Board Officers

Having polled the Board and there being no other nominations noted, Mr. Proffitt called for a motion on the proposed slate. By *MOTION* duly made by Mr. Cahill, seconded by Mr. Burrell and unanimously *APPROVED IN TOTAL* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Hester, Kallen, Maxey, Mitchell), the slate of officers was approved as presented. Mr. Wright was absent. As a tie-breaking vote was not necessary, Mr. Proffitt's vote was not noted. At this point, Mr. Proffitt turned the meeting over to the newly elected Board Chairman, Mr. Hester.

Remarks by Newly Elected Board Chairman (Mr. Hester)

Mr. Hester thanked the Board for its show of confidence, noted that it was an honor, and stated how he appreciated having the opportunity to serve. He stated he has no personal agenda to pursue, will do nothing without the approval of the full Board, and emphasized how great the staff is at the Department, from the Director on down.

4) Correction to Earlier Approved Motion to Revise July Board Minutes

At this time Mr. Cahill noted a correction to the earlier approved Motion to revise the July Board minutes. He stated that the minutes affected by the revision were actually the May, not the July, Board minutes. The May Board minutes will be revised accordingly, and the July Board minutes will stand approved as presented.

5) Committee Assignment Requests/Placement (Board Chairman)

Mr. Hester advised he would not be making Committee assignments at this time but asked each member to let him know which committee(s) they would like to sit on so they can be assigned at the next Board meeting.

II. Public/Other Comment (Board Chairman)

The Chairman noted there were neither members of the general public appearing to speak to the Board nor comments offered by Board members at this time.

III. Liaison Committee (Mr. Proffitt)

The Committee met on September 16. An update to the St. Brides Phase One construction project was given. The outside work is done but there was some concern as to how Hurricane Isabel would impact the project as there are no windows or doors presently. He noted completing this project will provide no net gain of beds.

Several jail construction projects were summarized. The Middle River Regional Jail (Augusta/Staunton/Waynesboro) project is proceeding and is exempt from the current jail construction funding moratorium; Loudoun County Adult Detention Center, previously approved for 25% jail construction funding reimbursement, will be approaching the Board for approval to install double bunking prior to final project inspection; Virginia Beach City Jail has its first and second floor slabs poured; Bid packages are being received for the Southwest Virginia Regional Jail and all are within budget; and, construction began recently on the Chesterfield County Jail for which project bid packages were received and all were within budget.

Then he noted three projects are pending Board approval and which are exempt from the current jail construction funding moratorium. The Eastern Shore Regional Jail and the Botetourt/Craig Regional Jail were discussed at the Correctional Services Committee meeting for Board action today with representatives from Botetourt/Craig appearing before the committee. A revised community-based corrections plan and planning study are under review for the Prince William/Manassas Adult Detention Center and submission to the Board is expected in November.

The prisoner population report was reviewed in some detail. The report has been revised as requested. The report now reflects figures from the previous report as well as current figures for comparison purposes. A copy of the report, in total, is included in the Board's file. Also, it was noted the Chairman of the Liaison Committee has written to the Director of the Department requesting assistance with the out-of-compliance numbers.

Mr. Proffitt stated there was a previous Committee discussion with reference to medical costs for felons out of compliance and noted there is an emergency fund of \$350,000 to

which jails can apply for relief. Several other items were reported before the conclusion of Mr. Proffitt's report. There was no call for formal acceptance of the Liaison Committee report at its conclusion. The Board Chairman proceeded to call for the Administration Committee Chairman's report.

IV. Administration Committee (Mr. Cahill)

1) Motion to Approve Transfer of 300 +/- Surplus Acres at the FCI Petersburg Farm Property for Conveyance to the Federal Government

A copy of the proposed motion, as well as an aerial photograph of the property in question, was included in each member's packet. By *MOTION* duly made by Mr. Cahill, seconded by Ms. Fraser and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), the action was approved and the following language was read into the record verbatim:

"Pursuant to Section 53.1-18 of the Code of Virginia and as requested by the United States Army, I move that the Board approve the transfer of approximately 300 +/- surplus acres of land at the FCI Petersburg Farm Property to the Federal Government. This land is part of the approximate 598 acres transferred to the Department of Corrections by the Federal Government in 1986. Such surplus land will be returned to the Federal Government and Fort Lee to allow Fort Lee to expand its training capacity and to enhance its value to the Department of Defense.

The Director of the Department of Corrections is hereby delegated the authority to finalize the details of and approve the plat of survey for the surplus declaration and property transfer and may execute all documents in furtherance of the conveyances."

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

2) FY2003 Year End Overtime Report

Mr. Cahill noted there was a 78% increase in overtime over the last fiscal year. He noted several factors contributing to the increase; the majority being facility lockdowns, prisoner moves, and military fill-ins. This report represents a change in format from previous reports.

3) Annual Management Summaries Report as of 6/30/02

Mr. Cahill noted receipt of this report, which is behind schedule, and stated if there were any questions from the Board, they should be directed to Mr. Link, DOC Controller. This report was mailed directly to Board members and not included in the Board package as Mr. Cahill had stated. Copies of the report for the newest Board members will be obtained from the Controller's Office and mailed accordingly.

At the conclusion, there was no call for formal acceptance of the Administration Committee report. The Board Chairman proceeded to call for the Correctional Services Committee Chairman's report.

V. Correctional Services Committee Report/Policy & Regulations (Ms. Maxey)

1) Mr. Tony Casale's (DCJS) Letter Referencing Previous Board Approval of the Community-Based Corrections Plan for the Botetourt/Craig Regional Jail

The Committee reviewed Mr. Casale's letter in which he voices his concerns as to the localities' community-based corrections plan previously approved by the Board in July, 2002. This letter was included in the Board package. Mr. Casale's contention is the facility should not have been included in Appropriation Act for exemption as a previously established regional jail. At Mr. Proffitt's request, Mr. Alan Katz reviewed the packet of information provided to the Board, including Mr. Casale's letter, and determined the Board was fine with its past approval of the project; therefore, no action needs to be taken. There being nothing further, the Board went on to approve the following:

Motion to Approve Community-Based Corrections Plan for Botetourt and Craig Counties

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), the following language was read into the record:

"The Board of Corrections approves Botetourt and Craig Counties' Community-Based Corrections Plan in support of their need to construct a 124-bed regional jail."

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not recorded. Ms. Maxey noted this facility will be located in Fincastle, Virginia.

At this time, Botetourt and Craig Counties' request for state jail construction funding reimbursement was presented to the Board.

Motion to Approve Request for State Jail Construction Funding Reimbursement for Botetourt and Craig Counties

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Burrell and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), the request was approved and the following language was read into the record:

"The Board of Corrections approves the request of Botetourt and Craig Counties for jail construction funding reimbursement in the amount of \$7,305,507 or 50% of approved eligible costs of \$14,611,014. Such reimbursement is subject to the

availability of funds and in accordance with Sections 53.1-80 through 82 of the Code of Virginia.”

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman’s vote was not recorded.

Motion to Approve Community-Based Corrections Plan for Northampton and Accomack Counties

By *MOTION* duly made by Ms. Maxey, seconded by Ms. Fraser and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), the action was approved and the following language was read into the record:

“The Board of Corrections approves Northampton and Accomack Counties’ Community-Based Corrections Plan in support of Northampton County’s need to construct a 148-bed regional jail to serve its current and future needs and recognizes the need for additional later construction of 182 beds to accommodate Accomack County’s future projected needs.”

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman’s vote was not recorded. Additionally, it was noted the regional jail will be located in Eastville, and these localities are exempt from the current jail construction funding moratorium.

At this time, Northampton and Accomack Counties’ request for state jail construction funding reimbursement was presented to the Board.

Motion to Approve Request for State Jail Construction Funding Reimbursement for Northampton and Accomack Counties

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Burrell and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), the action was approved and the following language was read into the record:

“The Board of Corrections approves the request of Northampton and Accomack Counties for jail construction funding reimbursement in the amount of \$8,518,317 or 50% of approved eligible costs of \$17,036,635. Such reimbursement is subject to the availability of funds and in compliance with Sections 53.1-80 through 82 of the Code of Virginia.”

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman’s vote was not recorded.

2) **State Facilities**

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), **Southampton Reception & Classification Center and Halifax and Baskerville Correctional Field Units** were recommended for **Unconditional Certification** at this time to include the waiver(s) as indicated below:

Southampton Reception & Classification Center – waiver to Standards 3-4128, 3-4128-1, and 3-4136;

Halifax Correctional Field Unit #23 – waiver to Standards 3-4136 and 3-4258; and,

Baskerville Correctional Field Unit #4 – waiver to Standards 3-4136.

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not recorded.

Community Corrections/Local Jail Certifications

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Burrell and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), it was moved that the following facilities be granted **Unconditional Certification as a result of 100% compliance**:

Newport News City Jail to include the housing of male and female juveniles in compliance with Section 16.1-249(g) of the Code of Virginia; and **Newport News City Jail Farm.**

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not recorded.

And, by *MOTION* duly made by Ms. Maxey, seconded by Ms. Fraser and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), it was moved that the **Buchanan County and Lee County Jails** be granted **Unconditional Certification with the proviso for the Compliance and Accreditation Unit staff to check back in not less than 3 months to ensure compliance with submitted corrective plans of action**;

And, that Unconditional Certification be granted to: **Brunswick County Jail** to include the housing of male or female juveniles in compliance with Section 16.1-249(g) of the Code of Virginia; **Peumansend Creek Regional Jail**; **Probation & Parole District #37 (Rocky Mount)**, **Probation & Parole District #35 (Manassas)**, **Probation & Parole District #36 (Alexandria)**, **Probation & Parole District #9 (Charlottesville)**, and **Chatham Men's Diversion Center.**

Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not recorded.

Jail Inspections

Jails achieving 100% compliance on their unannounced inspections were noted for the record. This was provided for informational purposes only. No Board action is required. The facilities are: **Blue Ridge Regional Jail (Lynchburg ADC), Blue Ridge Regional Jail (Moneta ADC), Norfolk City Jail, Chesapeake Correctional Center, Middle Peninsula Regional Jail, Pamunkey Regional Jail, Rappahannock Regional Jail, and Surry County Lockup.**

3) Policy & Regulations (Ms. Maxey)

Report of Working Group Developing Model Plan and Emergency Regulations with Reference to Code of Virginia §53.1-131.3; Payment of Costs Associated with Prisoner Keep

In compliance with the requirement of HB2765, a committee was assembled comprised of Mr. Sterling Proffitt and Mr. Clay Hester from the Board, Mr. Roy Cherry from Hampton Roads Regional Jail, Sheriff George McMillan from the City of Roanoke, and Mr. Joe Hagenlocker from the Department. A literature review and interviews with administrators of similar programs throughout the country was conducted. In 1985 in Michigan, a county jail developed the first fee charging payment of costs associated with prisoners' keep. It was determined that base fees range from \$6.00 to \$56.00, with annual revenues exceeding \$200,000. The committee could not find any successful litigation challenging the implementation of such fees. The result of this research was the development of a Model Plan to help guide Virginia Sheriffs or Superintendents who elect to establish a program to charge in-house inmates a reasonable fee, not to exceed \$1.00 per day, to defray the costs associated with the prisoners' keep. At the meeting's conclusion, it was determined to go forward with the Model Plan as provided to the committee and which Plan would be presented to the Board for review. (A copy of the Model Plan proposed language was included in the Board package.)

After questions from Board members, it was determined to be more expeditious to proceed to the next step in the regulatory process at this time, rather than wait until the next Board meeting.

Motion to Approve Model Plan in Conjunction with Code of Virginia §53.1-131.3; Payment of Costs Associated with Prisoner Keep, Effective July 1, 2003

Therefore, by *MOTION* duly made by Ms. Maxey, seconded by Mr. Burrell and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), it was moved that the Model Plan language will be filed as an Emergency Regulation and the appropriate steps will be taken to

make it a permanent regulation within one year. Mr. Wright was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not recorded.

The approved Model Plan language is as follows:

Model Plan

Upon the commitment of an inmate to jail, intake processing should include the issuance of a written statement informing the inmate of the fee for the prisoners' keep program and method of payment. Orientation should include all pertinent information on fees and program areas. Inmate's signature should be required to document notification.

If the release date and the date of arrival are within 24 hours, the inmate shall be charged only the equivalent of one day's fee.

Whenever an inmate has been charged the prisoners' keep fee, the deduction shall be reflected on the inmate's account. Should the inmate have no funds, then the account may be debited until funds are available.

VI. Other Business (Department of Corrections Director)

1) Executive Summary

This item was provided for informational purposes only, and no Board action is required.

The Director had nothing further to report other than activities being undertaken by the Department in anticipation of the arrival of Hurricane Isabel.

VII. No Closed Session was held

VIII. Member Comment

General comments were offered. The Proposed 2004 Board Meeting Schedule will be presented for review at the November meeting.

IX. Future Meeting Plans

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 18, 2003.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 18, 2003.

Administration Committee – 9:30 a.m., Room 3065, 6900 Atmore Drive, Richmond, Virginia, November 19, 2003.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 19, 2003.

X. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Burrell, seconded by Mr. Mitchell and unanimously *APPROVED* by those members in attendance (Burrell, Cahill, Fraser, Kallen, Maxey, Mitchell, Proffitt), the meeting was adjourned. Mr. Wright was absent and a vote by the Board Chairman was not required.

(Signature copy on file)

CLAY B. HESTER, CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY